

Anti-Fraud Plan Fiscal Year 2022-2023

PLAN STATEMENT

The Anti-Fraud Plan addresses the detection and prevention of overpayments, abuse, and fraud relating to the provision of and payments for the School Readiness program and Voluntary Prekindergarten (VPK) program. The Plan addresses parents of children enrolled in the School Readiness and VPK programs. *Note that provider fraud is addressed in the State of Florida Statewide School Readiness Provider Contract and Statewide Voluntary Prekindergarten Provider Contract pursuant to Rule 6M-4.610, F.A.C 6M-9.400 (5). The Early Learning Coalition of Hillsborough additionally addresses Provider Anti-Fraud procedures in the provider due process provisions for termination or suspension of SR or VPK Provider Contract section of the Anti-Fraud Plan.*

The Anti-Fraud Plan supports organizational processes and staff in the prevention of fraud, builds on employee knowledge and awareness of fraud prevention, and describes the Coalition's procedures for detecting and investigating possible acts of fraud, abuse of services, and related overpayment. The Plan includes due process procedures for suspending or terminating a recipient's eligibility for School Readiness or VPK programs and the recipient's right to appeal the decision.

PLAN DEFINITIONS

Recipient - is the parent or legal guardian whose child was determined eligible for School Readiness or Voluntary Prekindergarten Education Program benefits.

Fraud- is an intentional deception, omission, or misrepresentation made by a person with knowledge that the deception, omission, or misrepresentation may result in unauthorized benefit to that person or another person or any aiding and abetting of the commission of such an act. The term includes any act that constitutes fraud under applicable federal or state law.

Suspension – Means to temporarily discontinue services for the recipient; childcare services would resume for the length of remaining eligibility without going on the waiting list.

Termination – When childcare services cease. Once potential eligibility has been reestablished, the parent may apply for the waiting list.

DESCRIPTION OF ORGANIZATIONAL STRUCTURE WITH PLAN RESPONSIBILITIES

In conjunction with the Director, Family Services, the Coalition's Manager, Fraud and Compliance are responsible for implementing the Coalition's School Readiness and Voluntary Prekindergarten anti-fraud activities.

The following positions are responsible for the daily activities related to the prevention, detection, investigation, and reporting of a possible overpayment resulting from potential fraud and abuse:

- Chief Financial Officer
- Director, Provider Relations
- Director, Family Services
- Manager, Fraud and DEL Compliance

The Director of Family Services is responsible for reviewing an initial appeal request submitted by the recipient for the decision to uphold or modify a suspension or termination.

PLAN PROCEDURES

Procedures Review- The Early Learning Coalition of Hillsborough County (ELCHC) will review job descriptions and internal processes annually to confirm appropriate separation of duties and review internal controls to reduce risk. ELCHC staff will complete an annual self-assessment of internal controls, policies, and procedures.

ELCHC Staff Education/Awareness/Training- Training will be targeted at Statute, Rule, policy, and operational levels.

- ELCHC Manager, Human Resources will ensure that all staff reviews the following topics at the time of hire:
 - a. Code of Conduct and Ethics
 - b. Record Retention Policy
 - c. Workplace Conduct
 - d. Conflict of Interest
 - e. Business Ethics
- ELCHC staff meet at least monthly to review any changes or issues that may arise.
- ELCHC Manager, Fraud and Compliance and Director, Family Services will continually monitor and hold meetings to discuss and resolve findings related to fraud.

- ELCHC will provide training at least annually to Family Services staff to include:
 - a. Employee Fraud
 - b. Whistle-blower's Act
 - c. Conflict of Interest
 - d. Red Flags
 - e. , Receipt of cash payments
 - f. No income for a significant period
 , Identification of false/altered documents to include pay documents, school schedules, and referrals.
 - g. Proper procedures for reporting suspected fraud.
 - h. Reporting fraud directly to inspector.general@oel.myflorida.com

SR and VPK Parent Education Awareness

- Display fraud awareness posters at ELCHC.
- Recipient gives consent via Family Portal Account to the Early Learning Coalition and/or Department of Financial Services/Division of Public Assistance Fraud to make inquiries into all statements of information given.
- Recipient certifies, via Family Portal Account, that the information given is true and correct, must submit within 14 calendar days change in the circumstances related to address, temporary/non-temporary work or education, family size, failure to maintain attendance at a job training or education program and income that exceeds 85% of SMI.

SR and VPK Provider Education and Awareness

- ELCHC staff will encourage childcare providers to report potential fraud via provider communication venues, including email, provider group meetings, Provider portal, and/or email blasts.
- ELCHC staff will provide periodic reminders to providers about procedures in place to prevent fraud in addition to regular practices that occur during routine monitoring.

Providers, Parents, Employees, and Public Access to Reporting of Potential Fraud

- Statement on website with a phone number to report potential fraud.

ELCHC Detection and Investigation of Fraud, Abuse, and Overpayment

- ELCHC staff will review monthly paperwork and follow up on questionable costs.
- ELCHC staff will review, research, and follow up on data quality edit reports generated by the Division of Early Learning.
- ELCHC staff will document verification of childcare referrals with referring agencies through periodic cross-reference reviews of children in service.
- Manager, Fraud, and Compliance will electronically report to the Division of Early Learning recipients and providers terminated for fraud.
- Family Services Counselors, at initial determination, redetermination, and change of status, will review supporting documentation for “red flags.” If the Counselors believe a red flag exists, the case will be forwarded to the Family Services Manager. If the Family Services Manager determines further review is warranted, the case is sent to the Manager, Fraud and Compliance.
- If discrepancies are identified through any of the above means, the Manager, Fraud and Compliance or Director, Family Services will interview the recipient to obtain supporting documentation within 14 days to resolve concerns. Written notification will be sent requesting supporting documentation, including income verification, verification of residency, verification of household composition, verification of Social Security, verification of Child Support, or verification of Food Assistance.
- If there is reasonable suspicion that a recipient has committed fraud related to SR or VPK services, designated ELCHC staff will calculate estimated program loss and follow the due process provisions for termination or suspension of SR and/or VPK services. Manager, Fraud, and Compliance will report all potential fraud cases to the Division of Early Learning via the online Fraud Referral System.

DUE PROCESS PROVISIONS FOR TERMINATION OR SUSPENSION OF SR OR VPK BENEFITS

The Coalition will provide written notice to the recipient of the intended action to suspend or terminate benefits. The notification must advise of the allegations, the basis of the allegations, the intended action, and the date the action is imposed. The written notification shall be sent fourteen (14) days prior to the intended action. The written notice will be translated into the recipient's native language if prior communications from ELCHC with the recipient have been translated.

The written notification will include the following:

- The procedure for the recipient to follow to appeal the decision.
- A statement, in bold print, that the failure to file a timely appeal waives the right to an appeal.
- Notice the potential for repayment of improper benefits if the conclusion of fraud is upheld, including any benefits received after receiving the written advance notice.
- The procedure for the recipient to obtain a copy of their file.
- The amount of the overpayment to be received, if applicable.
- The length of time the recipient's benefits are suspended or the date of the termination of benefits if applicable.

The following general guidelines for penalties will be applied. However, considerations will also include the length of time proportionate to the alleged offense committed, consistent with suspensions or terminations issued to other recipients who allegedly committed comparable offenses and may also consider prior offenses as appropriate.

PENALTIES GUIDELINES

- First determination of fraud, eligibility is terminated for the longer of six months or restitution of overpaid benefits.
- Second determination, eligibility is terminated the longer than one year or restitution of overpaid benefits.
- Third and subsequent determinations, eligibility is terminated the longer than five years or restitution of overpaid benefits.

The recipient has the right to appeal within fourteen (14) days; if the appeal is received before benefits are terminated or suspended, benefits will remain in place for the duration of the appeal. However, if the decision is upheld, any services received during the appeal will be included with the overpayment amount.

A suspension or termination shall not be applied against recipients with a valid at-risk referral.

RECIPIENT RIGHT TO CHALLENGE THE DECISION

Pre-appeal Resolution Procedure

If the recipient believes that the conclusion of fraud was made in error. In that case, the recipient should first seek to resolve the matter by contacting ELCHC and providing the necessary documentation to resolve the issue. The Director of Family Services will consider all statements, review all documents, and may request any additional evidence or information if it is necessary and relevant to the review. The recipient will be notified in writing of the determination within ten (10) days of the parent review. The C.E.O. of the Coalition shall not be involved in the pre-appeal resolution of the issue.

If the recipient believes that the issue was not resolved during the pre-appeal resolution procedure, the appeal procedure is outlined in *Florida Rule 6M-9-4.00 Early Learning Coalition Anti-Fraud Plan, subsection (e) and (f) as follows:*

Appeal Resolution Procedure:

If the recipient believes that the Coalition did not resolve the issue. the recipient may file a formal written appeal for review by the C.E.O. of the Coalition, using the following procedure:

1. Submit a written appeal to the C.E.O. or other executive staff person designated by the coalition board. The appeal must fully describe the nature of the error the recipient believes has been made and shall contain any documentation which supports the recipient's claim.
2. The appeal shall be postmarked or emailed before the date of the intended action. The recipient who fails to file a timely appeal waives the right of appeal.
3. If the recipient files a timely appeal, they will not be suspended or terminated from the program until the written decision of the C.E.O. or the original date of the intended action, whichever is later.
4. The C.E.O of the coalition or other executive staff person designated by the coalition board must respond to the recipient in writing within thirty (30) days of receiving the appeal with a decision as to whether the suspension or termination will be upheld or modified.
5. The recipient who wishes to appeal the decision of the C.E.O. of the Coalition or other executive staff person designated by the Coalition board may request a further review by an appeals committee in accordance with paragraph (e) of this rule. The request for further inspection by an appeals committee must be submitted to the Coalition in writing within ten (10) calendar days of the date of the C.E.O. or other executive staff person designated by the Coalition board's written response to the recipient's formal written appeal.

The recipient shall be given the opportunity to defend their position in an orderly proceeding of the appeals committee. When the meeting of the appeals committee is scheduled, the recipient shall be notified of the date of the appeals committee, informed that it is a public meeting, and informed that any information presented may be used by other state agencies.

1. The chairman of the coalition board shall select the appeals committee, and a chair of the appeals committee shall be named.
2. The appeals committee shall be convened within forty-five (45) calendar days of receipt of the recipient's request for an appeal.
3. The recipient shall be provided up to thirty (30) minutes to present their position and any information they wish the appeals committee to consider.
4. The Coalition staff, excluding the C.E.O or other executive staff person designated by the coalition board, shall be available to provide any information requested by the committee.
5. The appeals committee will consider all statements, review all documents,

and request additional evidence or information from the parties if an appeals committee member believes it is necessary and relevant to the decision-making. The required final determination letter will be tolled for the length of time given to provide the additional information.

6. The appeals committee shall select or appoint a member of the coalition, excluding the C.E.O., the coalition, or other executive staff person designated by the coalition board, to memorialize the events of the appeals committee proceeding and the final determination, including the basis for the decision.
7. The appellant shall be notified in writing of the appeals committee's determination within ten (10) days of the date of the meeting.
8. The determination of the appeals committee shall be final.

PROVIDER DUE PROCESS PROVISIONS FOR TERMINATION OR SUSPENSION OF SR OR VPK PROVIDER CONTRACT

The ELCHC shall follow the procedures in this section when:

- a. Suspected fraud is identified
- b. Reviews of suspected fraud are initiated
- c. Suspected fraud is reported to state or local authorities
- d. Contractual consequences are determined

The procedures listed below do not supersede any local, state, or federal law, guidelines, or directive. For purposes of this section, suspected fraud is defined as probable or reasonable cause to believe that fraud has been committed by a School Readiness (SR) or Voluntary Prekindergarten (VPK) contracted provider. Fraud is defined in accordance with section 1002.91(1) of the Florida Statutes.

ELCHC staff shall be responsible for identifying suspected fraud by providers. This includes but is not limited to the intentional deception, misrepresentation, or falsification of:

- a. SR or VPK child attendance, enrollment documentation, or supporting attendance documentation such as sign-in/out sheets or parent certifications
- b. Provider staff records, including instructional staff listed for Program Assessment purposes, VPK Provider Application, or grant applications
- c. The administration/completion of required child assessment or screening
- d. Contractual documentation that determines eligibility to offer SR or VPK to include liability insurance, reemployment insurance, worker's compensation insurance, and accreditation/Gold Seal documentation
- e. Employment documentation of an individual receiving School Readiness assistance
- f. Stipend or grant applications and supporting documentation

ELCHC staff members shall identify discrepancies, falsification, misrepresentation of any means by providers through daily operational duties. When fraud is suspected or identified by a staff member, they shall notify their manager within one business day. The manager shall conduct an initial review and, if deemed appropriate, refer it to the Director of Provider Relations and Director of Family Services.

Internal Review Team

An internal review team consisting of staff members shall complete a review of suspected fraud with an anti-bias lens in a non-discriminatory approach. Team members consist of a financial representative, provider relations representative, family services representative, reimbursement representative, and senior leadership representative.

Internal Review Team Responsibilities

- a. Review all documents related to suspected fraud
- b. Conduct interviews with parties involved, including School Readiness parent/guardian and/or staff if applicable
- c. Coordinate with local, state, and federal agencies to compare data/documentation as needed
- d. Analyze the financial impact of the provider's actions to include an estimated program loss or disallowed costs.
- e. Determine whether the act was intentional and not due to lack of knowledge or understanding. Review any previous Technical Assistance/Corrective Action Plans and/or any other noted incidents or questionable documentation
- f. Make recommendations for revocation, termination, or corrective action plan.
- g. Summarize findings and forward them to the Director of Provider Relations and Manager, Fraud and DEL Compliance
- h. Director of Provider Relations will notify the provider at least 30 calendar days prior to any contract revocation, termination, or intended actions.
- i. Follow Exhibit 7: Due Process Procedures of the OEL-SR 20 School Readiness Provider Contract
- j. In accordance with 1002.91(4), F.S., Coalition may suspend or terminate a provider from participation in the School Readiness Program or Voluntary Prekindergarten Program when it has reasonable cause to believe that the provider has committed fraud. If suspended, the provider shall remain suspended until the completion of any investigation by the Office of Early Learning, the Department of Financial Services, any other state or federal agency, and any subsequent prosecution or other legal proceeding.

PROCESS FOR MANDATORY REPORTING FRAUD AND ABUSE THROUGH THE DEL FRAUD REFERRAL SYSTEM

ELCHC's Manager, Fraud and Compliance, is the designated administrator for the Division of Early Learning's Fraud Referral System. Contact information is as follows:

Kathy L. Kaaa
Manager, Fraud and Compliance ELCHC
kkaa@elchc.org
813-649-3800

When potential fraud has been communicated to the recipient or provider, the Manager, Fraud, and Compliance will make the mandatory referral using the Division of Early Learning, Office of Inspector General's Fraud Referral System. The referral includes the recipient information, amount of overpayment, discovery date, a summary of the allegations, and notification of any evidencing documents available that substantiate the allegations.

Note that the coalition's fraud investigation and appeals procedures outlined in this plan will complement the DEL referral process to the Department of Financial Services through the Fraud Referral System. If the recipient appeals the decision through the Coalition appeals process, the Manager, Fraud, and Compliance will update the referral information in the Fraud Referral System as appeal decisions are made throughout the appeal process.